

## Exhibit 1: Emails from Opposing Counsel

**bgentry@boydgentrylaw.com**

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**From:** hawkport@aol.com  
**Sent:** Sunday, June 6, 2021 11:18 AM  
**To:** bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Re: Portnoys et al v. NCS, Inc. Case no. 1:17 CV 00834 Judge Barrett

Thank you for your responses. You can tell me why you requested (1) I send the Williamsburg judgment to RREO and (2) why RREO hired NCS, Inc. to collect Williamsburg judgments. If there is a problem with you answering these undisputed facts, let me know so I can schedule another telephonic pretrial conference with Judge Barrett.

-----Original Message-----

From: bgentry@boydgentrylaw.com <bgentry@boydgentrylaw.com>  
To: hawkport@aol.com <hawkport@aol.com>; katrina@demartelaw.com <katrina@demartelaw.com>  
Sent: Fri, Jun 4, 2021 6:35 pm  
Subject: RE: Portnoys et al v. NCS, Inc. Case no. 1:17 CV 00834 Judge Barrett

Mr. Portnoy- Attached are Defendant's responses to discovery served to us via email on May 10. We received these requests via email only, but I am serving the responses to you via email and paper mail. A signed verification will follow. Please let me know if you have any difficulty in opening the attachment. Thanks, and have a good weekend.

Boyd W. Gentry  
Law Office of Boyd W. Gentry, LLC  
4031 Colonel Glenn Highway  
First Floor  
Dayton, Ohio 45431  
Tel. 937.839.2881  
Mobile 937.974.5527  
Fax 800.839.5843  
Bgentry@boydgentrylaw.com  
www.boydgentrylaw.com

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**From:** hawkport@aol.com <hawkport@aol.com>  
**Sent:** Monday, May 10, 2021 8:53 AM  
**To:** bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS, Inc. Case no. 1:17 CV 00834 Judge Barrett

Please see attached.

**bgentry@boydgentrylaw.com**

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**From:** hawkport@aol.com  
**Sent:** Thursday, July 22, 2021 2:06 PM  
**To:** lbender@clarkhill.com; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS, Inc. et al Case no. 1:17 CV 834 Judge Barrett

Please provide me the following documentation no later than July 23, 2021:

1. The court ordered relevant letters;
2. All relevant Williamsburg accounts used by NCS when sending the approximate 266 relevant collection letters through its third party vender(s). This documentation should have been provided months ago as part of the request for production of documents for all documents supporting NCS' "bona fide error" defense;
3. The name, address and telephone number of the person who told Ms. DeMarte to send the payment of the Williamsburg judgment to Steven Saltzman and RREO.

Michael Portnoy  
Attorney at Law

CC: Court file

**bgentry@boydgentrylaw.com**

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**From:** hawkport@aol.com  
**Sent:** Wednesday, August 18, 2021 8:03 AM  
**To:** lbender@clarkhill.com; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al Case No. 1:17 CV 834 Judge Barrett

Ms. Bender--based upon Ms. DeMarte's incredulous statements at yesterday's pretrial regarding her claimed lack of knowledge of her January 25, 2021 letter to me, I intend to depose her. I will file the appropriate motion with the court for Ms. DeMarte's deposition. If you have any questions, feel free to give me a call.

Michael D. Portnoy

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Friday, September 24, 2021 9:35 AM  
**To:** bgentry@boydgentrylaw.com; katrina@demartelaw.com; Bender, Leslie C.  
**Subject:** Portnoys et al v. NCS Inc., et al Case No. 1:17 CV 834 Judge Barrett

**[External Message]**

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Mr. Gentry-- unless I hear otherwise, today I will send the second set of NCS letter to Judge Barrett's personal email for the motion to compel.

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Thursday, September 23, 2021 5:40 PM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS Inc. et al Case No. 1:17 cv 834 Judge Barrett

**[External Message]**

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Ms. Bender-- I recently sent you emails concerning discovery. Instead of responding to them, I received your pleadings proving NCS' counsel's lack of knowledge of the FDCPA.

Is there one (1) NCS attorney in particular to whom I should be addressing issues in this case?

I will send you and your co-counsel a notice of in person deposition with a subpoena. Good luck to you.

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Wednesday, September 22, 2021 3:27 PM  
**To:** Lindsay\_Littleton@ohsd.uscourts.gov  
**Cc:** bgentry@boydgentrylaw.com; Bender, Leslie C.; katrina@demartelaw.com  
**Subject:** Re: Portnoys et al v. NCS et al Case No 1:17 CV 834

**[External Message]**

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Thank you Lindsay..

Mike

-----Original Message-----

**From:** Lindsay Littleton <Lindsay\_Littleton@ohsd.uscourts.gov>  
**To:** hawkport@aol.com <hawkport@aol.com>  
**Cc:** bgentry\_boydgentrylaw.com <bgentry@boydgentrylaw.com>; Bender, Leslie C. <lbender@clarkhill.com>; Katrina DeMarte <katrina@demartelaw.com>  
**Sent:** Wed, Sep 22, 2021 3:18 pm  
**Subject:** RE: Portnoys et al v. NCS et al Case No 1:17 CV 834

Mr. Portnoy,

Judge Barrett does not think that another pre-trial conference call is necessary at this time.

Thank you,  
Lindsay

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**From:** hawkport@aol.com <hawkport@aol.com>  
**Sent:** Wednesday, September 22, 2021 2:47 PM  
**To:** Lindsay Littleton <Lindsay\_Littleton@ohsd.uscourts.gov>; lbender@clarkhill.com; bgentry\_boydgentrylaw.com <bgentry@boydgentrylaw.com>; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al Case No 1:17 CV 834

**CAUTION - EXTERNAL:**

Hi Lindsay--due to the fracas recently raised in NCS' pleadings, would the court like to have a pretrial concerning this?

Mike Portnoy

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Wednesday, September 22, 2021 2:47 PM  
**To:** lindsay\_littleton@ohsd.uscourts.gov; Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al Case No 1:17 CV 834

**[External Message]**

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Hi Lindsay--due to the fracas recently raised in NCS' pleadings, would the court like to have a pretrial concerning this?

Mike Portnoy

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Wednesday, September 22, 2021 8:15 AM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al Case No. 1:17 CV 834 Judge Barrett

**[External Message]**

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As NCS has no legal basis to prevent additional discovery, I am scheduling Brittany Carpenter's in person deposition.



**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Tuesday, September 21, 2021 1:51 PM  
**To:** lindsay\_littleton@ohsd.uscourts.gov; Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS Inc et al Case No. 1:17 CV 834 Judge Barrett

**[External Message]**

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Hi Lindsay--per last week's pretrial conference and subsequent related order, I emailed Attorney Bender to get her direction for me to provide the information to Judge Barrett that is to be sealed regarding Plaintiffs' motion with supporting memorandum to compel.

Despite repeated requests for Attorney Bender for guidance, neither she nor her co-counsel have responded. As a result, I will send the information related to the motion to compel to Judge Barrett's personal email.

Also, despite requests to have the computerized documents resent to me that were the subject of last week's telephonic pretrial conference, opposing counsel refuses to resend them to me that are critical for upcoming depositions.

If Judge Barrett would like me to file a motion regarding these issues, please let me know. Thank you for your help and Judge Barrett's help.

Michael Portnoy

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Monday, September 20, 2021 5:49 PM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al

**[External Message]**

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Ms. Bender-- I have cordially requested from you to respond to my two (2) last emails and you have not done the same. Due to NCS' unwillingness to attempt to negotiate a settlement, discovery will continue to proceed. I will notify the court about the status of NCS failure to cooperate regarding discovery and will file the documents with the court for the motion to compel and schedule the witness/party's depositions.

Michael Portnoy  
Attorney for Plaintiffs

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Monday, September 20, 2021 1:01 PM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al Case No. 1:17 CV 834 Judge Barrett

**[External Message]**

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Ms. Bender--please respond to my emails. I prefer not to have the court involved in getting the discussed computer generated discovery, however, I will contact Lindsay if need be the case.

Michael D. Portnoy

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Sunday, September 19, 2021 4:45 PM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al Case No. 1:17 CV 834 Judge Barrett

**[External Message]**

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Ms. Bender-- please resend the computer prepared documents that were recently sent by Mr. Gentry. If there is a problem with this request, please let me know by tomorrow afternoon and I will contact Judge Barrett.

Michael Portnoy

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Sunday, September 19, 2021 10:25 AM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al Case No. 1:17 CV 834 Judge Barrett

**[External Message]**

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Ms. Bender--in preparation for additional discovery, I would like to address with you some issues that can be simply clarified:

1. Should I contact Attorney Dulan regarding Ms. DeMarte's in person deposition?
2. Regarding Plaintiffs' motion with supporting memorandum to compel, please advise your opinion as to the practical way of providing Judge Barrett the limited discovery so as not to violate the protection order:
3. Mr. Herper's zoom deposition can occur in a location convenient for him:
4. Due to NCS and its counsel willfully failing to provide me the identification of the person(s) who have direct knowledge regarding RREO, I will depose Mr. Gentry who has this information. I will have Mr. Gentry served with a subpoena for his in person deposition.

Michael Portnoy

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Saturday, September 18, 2021 10:53 AM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Re: Portnoys et al v. NCS Inc. et al Case no. 1:17 CV 834 Judge Barrett

**[External Message]**

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Good morning- I will depose Ms. Carpenter then Mr. Herper. I would like to schedule their depositions no later than early next week. I take it settlement negotiations would not be productive?

Also please be advised I will press forward with Ms. DeMarte's deposition. I look forward to speaking with you soon.

-----Original Message-----

From: Bender, Leslie C. <lbender@clarkhill.com>  
To: hawkport@aol.com <hawkport@aol.com>; bgentry@boydgentrylaw.com <bgentry@boydgentrylaw.com>; katrina@demartelaw.com <katrina@demartelaw.com>  
Sent: Fri, Sep 17, 2021 5:01 pm  
Subject: RE: Portnoys et al v. NCS Inc. et al Case no. 1:17 CV 834 Judge Barrett

Thank you for reaching out Mr. Portnoy.

Thank you for confirming Ms. Carpenter will be in person and as previously agreed Mr. Herper will be via Zoom/video. A couple of questions:

1. Where (city, state) do you plan to take Ms. Carpenter's deposition?
2. Do you intend to take Ms. Carpenter's first and then Mr. Herper's or have you a different expectation?

I will circle to NCS and let you know some dates/times after you let me know the answers to these questions.

Leslie

**Leslie Bender**

Attorney at Law

**Clark Hill**

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.552.2365 (office) | +1 410.830.0324 (cell)

[lbender@clarkhill.com](mailto:lbender@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

**From:** hawkport@aol.com <hawkport@aol.com>  
**Sent:** Friday, September 17, 2021 2:12 PM  
**To:** Bender, Leslie C. <lbender@clarkhill.com>; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS Inc. et al Case no. 1:17 CV 834 Judge Barrett

**[External Message]**

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Leslie-- please provide me times and dates so we can coordinate our calendars for Ms. Carpenter's in person deposition and Mr. Herper's zoom deposition. Thank you in advance.

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Friday, September 17, 2021 2:12 PM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS Inc. et al Case no. 1:17 CV 834 Judge Barrett

**[External Message]**

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Leslie-- please provide me times and dates so we can coordinate our calendars for Ms. Carpenter's in person deposition and Mr. Herper's zoom deposition. Thank you in advance.

**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Wednesday, September 15, 2021 4:39 PM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al v. NCS et al, Case no. 1:17 CV 834

**[External Message]**

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Dear Leslie-- again I want to express my appreciation for your explanations at yesterday's telephonic pretrial conference. Obviously there is a lot more discovery that will be required, including me deposing Brittany Carpenter, among other parties/witnesses.

We can continue to litigate this matter which is what I am committed and willing to do. We could also explore settlement negotiations that will limit attorney fee expenses. Please let me know if your client is willing to explore settlement negotiations. Otherwise, I will have a subpoena served upon Brittany Carpenter for her in person deposition. I will need times and dates for either your convenience or presumably Boyd's convenience for Ms. Carpenter's deposition.

Thank you for your anticipated cooperation.

Michael Portnoy



**Bender, Leslie C.**

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**From:** hawkport@aol.com  
**Sent:** Tuesday, September 14, 2021 1:16 PM  
**To:** Bender, Leslie C.; bgentry@boydgentrylaw.com; katrina@demartelaw.com  
**Subject:** Portnoys et al vs. NCS et al Case no. 1:17 cv 834 Judge Barrett

**[External Message]**

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I will schedule Ms. Carpenter's in person deposition. Please provide me times and dates that are convenient for you.